

IN RE:	PETITION FOR SPECIAL EXCEPTION	* BEFORE THE
	E/S York Road, 71' N of	
	Middletown Road	* ZONING COMMISSIONER
	(Parkton Central Office Site)	
	7th Election District	* OF BALTIMORE COUNTY
	3rd Councilmanic District	
		* Case No. 95-300-X
	Bell Atlantic-Maryland, Inc.	
	Petitioner	*

\* \* \* \* \*

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Special Exception for that property identified herein as the Parkton Central Office Site for Bell Atlantic-Maryland, Inc., a 0.74 acre lot located on the east side of York Road, just north of Middletown Road in northern Baltimore County. The Petition was filed by the owner of the property, Bell Atlantic-Maryland, Inc., by Douglas P. Dale, Real Estate Manager, through their attorney, Keith R. Truffer, Esquire. The Petitioner seeks approval of a wireless transmitting and receiving structure on the subject property, zoned R.C. 4, pursuant to Section 1A03.3.B.14 of the Baltimore County Zoning Regulations (B.C.Z.R.). The subject property and relief sought are more particularly described on the site plan submitted and marked into evidence as Petitioner's Exhibit 2.

Appearing at the public hearing on behalf of the Petition were H. Theodore Peiffer, Radio Engineer for Bell Atlantic-Maryland, Inc., Robert Morelock and Michael Maguire, site engineers with Daft-McCune-Walker, Inc., and Keith R. Truffer, Esquire, attorney for the Petitioner. Appearing as Protestants in the matter were Barbara Stubenrauch and M. V. Runkles, III, residents of the area.

Testimony and evidence offered revealed that the subject property consists of 0.74 acres, zoned R.C. 4 and is improved with a one-story

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Date 4/17/95

By [Signature]

MICROFILMED

brick building utilized as a telephone switching office for Bell Atlantic-Maryland, Inc. As noted above, the property is located in a rural area of northern Baltimore County, adjacent to York Road not far from Middletown Road and I-83. This property was granted a special exception for a telephone central dial office in 1965. In 1972, that special exception was amended and enlarged when the then Petitioner, the C & P Telephone Company requested an expansion of same in Case No. 72-23-XA. The property is roughly rectangular shaped and as noted above, is improved with a one-story brick building which is utilized as a central dial office. The building is not manned per se, other than for maintenance and technical service individuals. The building presently serves to handle telephone transmissions in the Parkton area and facilitate the switching and connecting of same. The subject property has been utilized by Bell Atlantic-Maryland, Inc. and its predecessor in this fashion since approximately 1948.

As to the instant Petition for Special Exception, Bell Atlantic-Maryland, Inc. proposes to construct a 90-foot monopole immediately adjacent to the building near the rear of the site. This pole will facilitate Bell Atlantic's pager network. As is well-known by this Zoning Commissioner from testimony offered in other cases, cellular technology requires a series of inner-connected grids in order to provide uninterrupted service throughout a given geographic area. Testimony from Mr. Peiffer indicated that there is a hole in the grid network in the north Baltimore County area. Installation of the subject monopole will fill this hole in the connections network. The monopole will be utilized only to transmit pager communications. It will not be used for cellular telephones, automobile phones, cellular fax transmissions, etc. Mr. Peiffer also testified that the pole meets all federal government standards and requirements. It

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By

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generates less than the maximum amount of radiation allowed by the Federal Communications Commission (FCC). Moreover, the Federal Aviation Administration (FAA) has approved construction of the subject pole. (See Petitioner's Exhibit 6). The pole will not be lighted nor painted with any special markings. Moreover, there will be two cables leading from the existing building to the pole; however, these cables are not large and do not provide structural support. Sitting atop the pole will be two antennae, each approximately 3 feet high.

Also testifying in support of the Petition was Michael Maguire, a Registered Land Surveyor with Daft-McCune-Walker, Inc., the consulting firm which prepared the site plan. Mr. Maguire has assisted Bell Atlantic-Maryland, Inc., and other corporate clients, with the placement of towers in Baltimore County and throughout the Baltimore Metropolitan Area. He addressed each of the considerations for special exception relief as set forth in Section 502.1 of the B.C.Z.R. He opined that the requested special exception use would not be detrimental to the health, safety and general welfare of the subject locale. He stated that the subject pole would not increase traffic nor would same present any health hazard to the community nearby. Mr. Maguire also stressed the fact that large Baltimore Gas & Electric transmission lines and towers are located immediately adjacent to the subject site, as are telephone poles on both sides of York Road. In his opinion, the appearance of the subject pole would not detract from the vicinity from a visual standpoint, particularly in view of the electric transmission lines and towers nearby.

Testifying in opposition to the request was M. V. Runkles, III, owner of a large tract of land nearby and Secretary of the Weisburg Community Association. Mr. Runkles also owns the Weisburg Inn, a historic

ORDER REC'D  
Date 4/27/65  
By [Signature]

dwelling which is on the National Registry of Historic Places. The Weisburg Inn is presently used as a residence, but plans are being made for the conversion of same to a museum. Mr. Runkles voiced several concerns. These included the fact that the lot itself is very small and in Mr. Runkles' view, the installation of additional equipment thereon will overwhelm the property. Also, Mr. Runkles opined that the height of the tower would make same difficult, if not impossible, to buffer and that other commercial properties in the vicinity should have been considered.

In addition to these concerns, Mr. Runkles noted that Bell Atlantic-Maryland, Inc. has another tower approximately 1.5 miles from the subject site. That tower facilitates cellular telephone transmissions. Mr. Runkles both cross-examined the Petitioner's witnesses and offered his own testimony on this issue. He believes that the antenna needed for Bell Atlantic's pager network should be placed on the existing tower. In response to this request, Mr. Peiffer indicated that this scenario was considered by the Petitioner but could not be facilitated because the property owner who leases the site for Bell Atlantic's existing telephone tower would not agree to additional uses thereon. Although no new construction is proposed at the subject site, a small support building would be necessary if the pole were built elsewhere. The equipment for this pole will be placed inside the existing building at the subject site.

As noted above, this matter comes before me as a Petition for Special Exception. The subject antenna and monopole are permitted in the R.C. zones, by special exception, pursuant to Section 1A03.3.B.14 of the B.C.Z.R. As has been repeatedly stated by the Appellate Courts of this State, a special exception use is presumptively valid, absent a showing that the particular facts or circumstances negate that presumption. (See

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By

Rothwell Fuel and Feed Co., Inc. v. Board of Appeals of the City of Gaithersburg, 257 Md. 183, 262 A2d. 499 (1970). That is, a special exception use is permissible, but for a showing that particular facts or unique circumstances exist which would render the presumption invalid.

In Baltimore County, the criteria to be applied to any proposed special exception are contained within Section 502.1 of the B.C.Z.R. Therein is a list of factors and considerations which need be applied to a proposed special exception. Such considerations as the proposed use's impact on traffic, impermeable surface, public utilities, etc., are listed. Moreover, additional criteria for wireless transmitting and receiving devices are found in Section 502.7 of the B.C.Z.R. Within that Section, it is provided that wireless transmitting facilities in R.C., D.R. or R.O. zones are subject to additional requirements, above and beyond those items listed in Section 502.1 of the B.C.Z.R. However, it is to be noted that certain exemptions are provided from the requirements of Section 502.7.C of the B.C.Z.R. Specifically, Section 502.7.C.2 provides that those additional requirements do not apply to wireless transmitting or receiving structures serving land-based local telephone public utility communication needs at existing facilities, provided that the Petitioner affirmatively establishes that the structure and service meets certain critical communication needs for public safety purposes.

In this case, an exemption under that Section was granted by the Zoning Administration and Development Management (ZADM) office and a note regarding same appears on the site plan. Although ZADM's authority to grant such an exemption might be questioned, the interpretation and application of the B.C.Z.R. reserve to the discretion of the Zoning Commissioner. The exemption, on its merits, was proper in this case. Clearly, the

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Date 4/17/95  
By [Signature]

site is indeed a facility for a local telephone public utility. Moreover, the uncontradicted testimony and evidence presented was that the pole will serve critical communication needs for public safety purposes. Specifically, testimony and evidence was offered that the pager system is utilized by doctors, paramedics, and other emergency services personnel. Immediate communication to these individuals is required in order to serve and protect the public safety. Thus, it appears that this Petitioner is exempt from the requirements of Section 502.7.C of the B.C.Z.R., based on the exempting language contained in Section 502.7.C.2. This exemption is significant in that this exemption manifests the County Council's intention to not require this Petitioner to meet many of the stringent requirements which would otherwise need be satisfied. Thus, this Petitioner is not required to comply with the specific provisions contained in Section 502.7.C. For example, the subject lot need not be at least 5 acres, an environmental impact statement need not be submitted, and certain setbacks need not be observed, etc. This exemption, coupled with the fact that a special exception is presumptively valid, requires this Zoning Commissioner to grant the Petition. Moreover, Section 502.7.A of the B.C.Z.R. provides prohibiting language for wireless transmitting and receiving facilities located near existing historic districts. Although this Section would otherwise be applicable to the subject site, in view of its proximity to the Weisburg Inn, again, the County Council has specifically provided an exemption. The exemption provided, in Section 502.7.B.1 states that the prohibition provided above is not applicable for towers of less than 350 feet in height. Thus, the subject 90-foot monopole is exempt and can be located near a historic site. Again, the presumptive validity of the special exception use under the case law and the Council's clear intent

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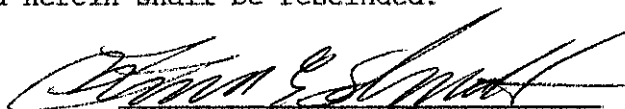
4/12/95  
[Signature]

within its exempting language present compelling reasons to support the grant of a Petition for Special Exception. It should also be noted that the other towers in the vicinity of this site range in height from 80 to 115 feet. Thus, the height of the proposed tower is consistent with other towers the Petitioner maintains in this area. Therefore, for the reasons stated above, I am persuaded that the Petition for Special Exception should be granted and I shall so Order.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the special exception relief requested shall be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 17th day of April, 1995 that the Petition for Special Exception seeking approval of a wireless transmitting and receiving structure on the subject property, zoned R.C. 4, pursuant to Section 1A03.3.B.14 of the Baltimore County Zoning Regulations (B.C.Z.R.), in accordance with Petitioner's Exhibit 2, be and is hereby GRANTED, subject to the following restriction:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.



LAWRENCE E. SCHMIDT  
Zoning Commissioner  
for Baltimore County

LES:bjs

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Date

By

Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning



Suite 112 Courthouse  
400 Washington Avenue  
Towson, MD 21204

(410) 887-4386

April 17, 1995

Keith R. Truffer, Esquire  
102 W. Pennsylvania Avenue, Suite 600  
Towson, Maryland 21204

RE: PETITION FOR SPECIAL EXCEPTION  
E/S York Road, 71' N of Middletown Road  
(Parkton Central Office Site)  
7th Election District - 3rd Councilmanic District  
Bell Atlantic-Maryland, Inc. - Petitioner  
Case No. 95-300-X

Dear Mr. Truffer:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Exception has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Lawrence E. Schmidt", written over a horizontal line.

LAWRENCE E. SCHMIDT  
Zoning Commissioner  
for Baltimore County

LES:bjs

cc: Mr. Douglas P. Dale, Real Estate Manager  
Mr. H. Theodore Peiffer, Bell Atlantic-Maryland, Inc.  
1 E. Pratt Street, Baltimore, Md. 21202-1038

Messrs. Michael Maguire and Robert Morelock  
Daft-McCune-Walker, Inc., 200 E. Pennsylvania Ave., Towson, Md. 21286

Mr. M. V. Runkles, III, 18200 York Road, Parkton, Md. 21120  
Ms. Barbara Stubenrauch, 18213 York Road, Parkton, Md. 21120  
Dr. Richard W. McQuaid, 1501 Harris Mill Road, Parkton, Md. 21120

People's Counsel; File



297

# Petition for Special Exception

95-300-X

to the Zoning Commissioner of Baltimore County

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property for a wireless transmitting and receiving structure in an RC-4 zone pursuant to Section 1A03.3.B.14.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

n/a

(Type or Print Name)

Signature

Address

City and State

Legal Owner(s):

Bell Atlantic-Maryland, Inc.

(Type or Print Name)

Signature

Douglas P. Dale, Real Estate Manager

(Type or Print Name)

Signature

Attorney for Petitioner:

Keith R. Truffer

(Type or Print Name)

Signature

102 W. Pennsylvania Avenue

Address  
Suite 600

Towson, Maryland 21204

City and State

Attorney's Telephone No.: (410) 823-1800

1 East Pratt Street (410) 393-4058

Address

Phone No.

Baltimore, MD 21202-1038

City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted

Keith R. Truffer, Esq.

Name

102 W. Pennsylvania Avenue

Towson, MD 21204 (410) 823-1800

Address

Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING - 1/2HR.

+1HR.

AVAILABLE FOR HEARING

MON./TUES./WED. - NEXT TWO MONTHS

ALL OTHER

REVIEWED BY

DATE 3/2/95

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ORDER RECEIVED FOR FILING

Date

By

297  
95-300-X

**Description**

**To Accompany Petition for Special Exception**

**0.74 Acre Parcel, Bell Atlantic - Maryland, Inc. Property**

**East Side of York Road**

**North of Middletown Road**

**Seventh Election District, Baltimore County, Maryland**



Daft McCune Walker, Inc.

200 East Pennsylvania Avenue

Towson, Maryland 21286

410 296 3333

Fax 296 4705

A Team of Land Planners,

Landscape Architects,

Engineers, Surveyors &

Environmental Professionals

Beginning for the same in the center of York Road at the distance of 71 feet, more or less, as measured northerly along said centerline from its intersection with the centerline of Middletown Road, thence leaving said point of beginning and binding on the center of York Road the two following courses and distances, viz: (1) North 00 degrees 00 minutes 30 seconds East 154.01 feet, and thence (2) North 00 degrees 26 minutes East 55.59 feet, thence leaving said centerline and running the four following courses and distances, viz: (3) South 88 degrees 55 minutes East 186.55 feet, thence (4) South 00 degrees 26 minutes West 63.50 feet, thence (5) South 49 degrees 30 minutes East 58.86 feet, and thence (6) South 65 degrees 45 minutes 46 seconds West 253.73 feet to the place of beginning; containing 0.74 acres of land, more or less.

THIS DESCRIPTION HAS BEEN PREPARED FOR ZONING PURPOSES ONLY AND IS NOT INTENDED TO BE USED FOR CONVEYANCE.

February 10, 1995

Project No. 94090 (L94090)



**CERTIFICATE OF POSTING**  
**ZONING DEPARTMENT OF BALTIMORE COUNTY** 95-300-4  
Townson, Maryland

District 7th Date of Posting 3/10/95  
Posted for: Special Exception  
Petitioner: Bell Atlantic - Maryland Inc.  
Location of property: 75 York Rd, N/Middletown Rd  
Location of Signs: Facing roadway on property being zoned  
Remarks: \_\_\_\_\_  
Posted by [Signature] Date of return: 3/17/95  
Signature  
Number of Signs: 1



# CERTIFICATE OF PUBLICATION

TOWSON, MD.,

March 17, 1995

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on March 16, 1995.

THE JEFFERSONIAN,

A. H. [Signature]

1995

Registration

**NOTICE OF HEARING**  
The Planning Commission of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue, in Towson, Maryland 21204, or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

Case: #88-300-X  
(Item 297)  
E/B York Road, 71' N of  
Middletown Road  
7th Election District  
3rd Councilmanic  
Legal Owner(s):  
Bell Atlantic-Maryland,  
Inc.  
Hearing: Monday,  
April 3, 1995 at 2:00 p.m.  
In P.M. 118 Old  
Courthouse.

Special Exception for a  
wireless transmitting and re-  
ceiving structure.

LAWRENCE E. SCHMIDT  
Zoning Commissioner for  
Baltimore County

NOTES: (1) Hearings are Handi-  
capped Accessible for special ac-  
commodations. Please Call  
887-3353.

(2) For information concern-  
ing the file and/or hearing, please  
Call 887-3381.  
3/208 March 18

THE JEFFERSONIAN

J. Lewis



Baltimore County  
Zoning Administration &  
Development Management  
111 West Chesapeake Avenue  
Towson, Maryland 21204

receipt

95-300-X

Account: R-001-6150

Number 297

By JLL

Date

3/2/95

1 SPX FILING CODE 050

300.00

1 SIGN POSTING CODE 080

35.00

TOTAL \$ 335.00

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BELL ATLANTIC - MD

LOC. E SIDE YORK RD.

71 FTN OF MIDDLETOWN RD.

PAID BY.  
ROYSTON-MUELLER-MCLEAN + REID.

01A01W0065MICHRC

\$335.00

BA 0011:00AM03-02-95

Please Make Checks Payable To: Baltimore County

Cashier Validation

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

**PAYMENT WILL BE MADE AS FOLLOWS:**

- 1) Posting fees will be accessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

**NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.**



ARNOLD JABLON, DIRECTOR

-----  
For newspaper advertising:

Item No.: 297

Petitioner: Bell Atlantic - MD.

Location: EAST SIDE OF YORK RD, 71' NORTH OF MIDDLETOWN RD

PLEASE FORWARD ADVERTISING BILL TO:

NAME: R. DOUGLAS DALE

ADDRESS: Bell Atlantic - MD. , 1 EAST PRATT STREET  
BALTIMORE, MD. 21202-1038

PHONE NUMBER: 393-4058

AJ:ggs

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(Revised 04/09/93)

TO: PUTUXENT PUBLISHING COMPANY  
March 16, 1995 Issue - Jeffersonian

Please forward billing to:

R. Douglas Dale  
Bell Atlantic-Maryland, Inc.  
1 E. Pratt Street  
Baltimore, Maryland 21202-1038  
410-393-4058

---

### NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204  
or

Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 95-300-X (Item 297)  
E/S York Road, 71' N of Middletown Road  
7th Election District - 3rd Councilmanic  
Legal Owner(s): Bell Atlantic-Maryland, Inc.  
HEARING: MONDAY, APRIL 3, 1995 at 2:00 p.m. in Room 118, Old Courthouse.

Special Exception for a wireless transmitting and receiving structure.

LAWRENCE E. SCHMIDT  
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.  
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

7-26-95 11:00 AM

Baltimore County Government  
Office of Zoning Administration  
and Development Management



111 West Chesapeake Avenue  
Towson, MD 21204

(410) 887-3353

March 10, 1995

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in  
Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204  
or  
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 95-300-X (Item 297)

E/S York Road, 71' N of Middletown Road

7th Election District - 3rd Councilmanic

Legal Owner(s): Bell Atlantic-Maryland, Inc.

HEARING: MONDAY, APRIL 3, 1995 at 2:00 p.m. in Room 118, Old Courthouse.

Special Exception for a wireless transmitting and receiving structure.

A handwritten signature in cursive script, reading "Arnold Jablon".

Arnold Jablon  
Director

cc: Bell Atlantic-Maryland, Inc.  
Keith R. Truffer, Esq.

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.  
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.  
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.



Baltimore County Government  
Office of Zoning Administration  
and Development Management



111 West Chesapeake Avenue  
Towson, MD 21204

(410) 887-3353

March 27, 1995

Keith R. Truffer, Esquire  
102 W. Pennsylvania Avenue  
Suite 600  
Towson, Maryland 21204

RE: Item No.: 297  
Case No.: 95-300-X  
Petitioner: Bell Atlantic-MD., Inc.

Dear Mr. Truffer:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approving agencies, has reviewed the plans submitted with the above referenced petition. Said petition was accepted for processing by, the Office of Zoning Administration and Development Management (ZADM), Development Control Section on March 2, 1995.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties; i.e., zoning commissioner, attorney, petitioner, etc. are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,

A handwritten signature in dark ink, reading "W. Carl Richards, Jr." in a cursive style.

W. Carl Richards, Jr.  
Zoning Supervisor

WCR/jw  
Attachment(s)

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BALTIMORE COUNTY, MARYLAND  
I N T E R O F F I C E C O R R E S P O N D E N C E

TO: Arnold Jablon, Director      DATE: March 20, 1995  
Zoning Administration and Development Management

FROM: *fw* Robert W. Bowling, P.E., Chief  
Developers Engineering Section

RE: Zoning Advisory Committee Meeting  
for March 20, 1995  
Items 297, 299, 301, 302 and 303

The Developers Engineering Section has reviewed  
the subject zoning item and we have no comments.

RWB:sw

MICROFILMED

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director  
Zoning Administration and  
Development Management

DATE: March 8, 1995

FROM: Pat Keller, Director  
Office of Planning and Zoning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning and Zoning has no comments on the following petition(s):

Item Nos. 297 and 303

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3480.

Prepared by:

*Jeffrey W. Long*

Division Chief:

*Carol L. Keller*

PK/JL

RECEIVED

Baltimore County Government  
Fire Department



700 East Joppa Road Suite 901  
Towson, MD 21286-5500

(410) 887-4500

DATE: 03/10/95

Arnold Jablon  
Director  
Zoning Administration and  
Development Management  
Baltimore County Office Building  
Towson, MD 21204  
MAIL STOP-1105

RE: Property Owner: SEE BELOW

LOCATION: DISTRIBUTION MEETING OF MAR. 13, 1995.

Item No.: SEE BELOW

Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

B. The Fire Marshal's Office has no comments at this time,  
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 296, 297, 299, 300,  
301 AND 303.

**RECEIVED**  
MAR 14 1995  
**ZADM**

REVIEWER: LT. ROBERT P. SOUERWALD  
Fire Marshal Office, PHONE 087-4881, MS-1102F

cc: File



**Maryland Department of Transportation  
State Highway Administration**

O. James Lighthizer  
Secretary  
Hal Kassoff  
Administrator

3-10-95

Ms. Joyce Watson  
Zoning Administration and  
Development Management  
County Office Building  
Room 109  
111 W. Chesapeake Avenue  
Towson, Maryland 21204

Re: Baltimore County

Item No.: +297 (JLL)

Dear Ms. Watson:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

*Bob Small*

*for*

Ronald Burns, Chief  
Engineering Access Permits  
Division

BS/

My telephone number is \_\_\_\_\_

Maryland Relay Service for Impaired Hearing or Speech  
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717  
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

**BALTIMORE COUNTY, MARYLAND**  
**Inter-Office Memorandum**

DATE: March 2, 1995

TO: Hearing Officer

FROM: John L. Lewis  
Planner II, ZADM

SUBJECT: Item #297  
Bell Atlantic-Maryland, Inc.  
York Road

Administrative decision by letter was previously made. Exempt from 502.7.C(1-5) due to Section 502.7.D.2.

At filing advised that a special hearing would be appropriate to amend the prior special exception to accompany the new special exception filing. The attorney took this under advisement.

JLL:scj

**MICROFILMED**



1. No authorization for person signing for American PCS.
2. No authorization for person signing for Longview Executive Park.

1.  $\frac{1}{2} \times \frac{1}{2} = \frac{1}{4}$   
 2.  $\frac{1}{2} \times \frac{1}{4} = \frac{1}{8}$   
 3.  $\frac{1}{4} \times \frac{1}{4} = \frac{1}{16}$   
 4.  $\frac{1}{2} \times \frac{1}{8} = \frac{1}{16}$   
 5.  $\frac{1}{4} \times \frac{1}{8} = \frac{1}{32}$   
 6.  $\frac{1}{8} \times \frac{1}{8} = \frac{1}{64}$   
 7.  $\frac{1}{2} \times \frac{1}{16} = \frac{1}{32}$   
 8.  $\frac{1}{4} \times \frac{1}{16} = \frac{1}{64}$   
 9.  $\frac{1}{8} \times \frac{1}{16} = \frac{1}{128}$   
 10.  $\frac{1}{2} \times \frac{1}{32} = \frac{1}{64}$   
 11.  $\frac{1}{4} \times \frac{1}{32} = \frac{1}{128}$   
 12.  $\frac{1}{8} \times \frac{1}{32} = \frac{1}{256}$   
 13.  $\frac{1}{2} \times \frac{1}{64} = \frac{1}{32}$   
 14.  $\frac{1}{4} \times \frac{1}{64} = \frac{1}{256}$   
 15.  $\frac{1}{8} \times \frac{1}{64} = \frac{1}{512}$   
 16.  $\frac{1}{2} \times \frac{1}{128} = \frac{1}{64}$   
 17.  $\frac{1}{4} \times \frac{1}{128} = \frac{1}{512}$   
 18.  $\frac{1}{8} \times \frac{1}{128} = \frac{1}{1024}$   
 19.  $\frac{1}{2} \times \frac{1}{256} = \frac{1}{128}$   
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 21.  $\frac{1}{8} \times \frac{1}{256} = \frac{1}{2048}$   
 22.  $\frac{1}{2} \times \frac{1}{512} = \frac{1}{256}$   
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 24.  $\frac{1}{8} \times \frac{1}{512} = \frac{1}{4096}$   
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 27.  $\frac{1}{8} \times \frac{1}{1024} = \frac{1}{8192}$   
 28.  $\frac{1}{2} \times \frac{1}{2048} = \frac{1}{1024}$   
 29.  $\frac{1}{4} \times \frac{1}{2048} = \frac{1}{512}$   
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 32.  $\frac{1}{4} \times \frac{1}{4096} = \frac{1}{1024}$   
 33.  $\frac{1}{8} \times \frac{1}{4096} = \frac{1}{32768}$   
 34.  $\frac{1}{2} \times \frac{1}{8192} = \frac{1}{4096}$   
 35.  $\frac{1}{4} \times \frac{1}{8192} = \frac{1}{2048}$   
 36.  $\frac{1}{8} \times \frac{1}{8192} = \frac{1}{65536}$   
 37.  $\frac{1}{2} \times \frac{1}{16384} = \frac{1}{8192}$   
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 53.  $\frac{1}{4} \times \frac{1}{524288} = \frac{1}{131072}$   
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 58.  $\frac{1}{2} \times \frac{1}{2097152} = \frac{1}{1048576}$   
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 84.  $\frac{1}{8} \times \frac{1}{52675072} = \frac{1}{419063040}$   
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 86.  $\frac{1}{4} \times \frac{1}{105350144} = \frac{1}{26337536}$   
 87.  $\frac{1}{8} \times \frac{1}{105350144} = \frac{1}{838860800}$   
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 90.  $\frac{1}{8} \times \frac{1}{210700288} = \frac{1}{1671752320}$   
 91.  $\frac{1}{2} \times \frac{1}{421400576} = \frac{1}{210700288}$   
 92.  $\frac{1}{4} \times \frac{$

RE: PETITION FOR SPECIAL EXCEPTION \* BEFORE THE  
E/S York Road, 71' N of Middletown Road \* ZONING COMMISSIONER  
7th Election District, 3rd Councilmanic \*  
Bell Atlantic-Maryland, Inc. \* OF BALTIMORE COUNTY  
Petitioner \* CASE NO. 95-300-X

\* \* \* \* \*

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

*Peter Max Zimmerman*

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

*Carole S. Demilio*

CAROLE S. DEMILIO

Deputy People's Counsel

Room 47, Courthouse

400 Washington Avenue

Towson, MD 21204

(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 29<sup>th</sup> day of March, 1995, a copy of the foregoing Entry of Appearance was mailed to Keith R. Truffer, Esquire, 102 W. Pennsylvania Avenue, Suite 600, Towson, MD 21204, attorney for Petitioners.

*Peter Max Zimmerman*

PETER MAX ZIMMERMAN

4/13/95  
Y  
TO LEB  
1568-95  
LAD

ROYSTON, MUELLER, MCLEAN & REID  
ATTORNEYS AT LAW

R. TAYLOR MCLEAN  
RICHARD A. REID  
E. HARRISON STONE  
C. S. KLINGELHOFFER III  
THOMAS F. McDONOUGH  
EUGENE W. CUNNINGHAM, JR.  
LAUREL PARETTA EVANS  
KEITH R. TRUFFER  
ROBERT S. HANDZO  
EDWARD J. GILLISS  
C. LARRY HOFMEISTER, JR.  
JOHN W. BROWNING

SUITE 600  
THE ROYSTON BUILDING  
102 WEST PENNSYLVANIA AVENUE  
TOWSON, MARYLAND 21204-4575  
(410) 823-1800  
TELECOPIER FAX (410) 828-7859

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LAURENCE ANNE RUTH

OF COUNSEL  
CHARLES F. STEIN III  
H. EMSLIE PARKS

COUNSEL EMERITUS  
H. ANTHONY MUELLER

CARROLL W. ROYSTON  
1913-1991

April 11, 1995

Mr. Lawrence Schmidt  
Zoning Commissioner  
Baltimore County Zoning Administration  
and Development Management  
111 West Chesapeake Avenue  
Towson, Maryland 21204

Re: Bell Atlantic-Maryland, Inc. - Parkton Dial Center  
Case No. 95-300-X (Item 297)

Dear Mr. Commissioner:

I follow up on the hearing on this matter held before you on April 3, 1995. As discussed at the hearing, I submit the following heights of the Baltimore Gas & Electric Company towers east and west of York Road in proximity to the subject site.

The height of the BG&E towers west of York Road are 70 feet and 85 feet; the height of the towers east of York Road are 80 feet and 115 feet. I have spoken to Mr. Ruckles concerning this matter and I am authorized to state that he has no disagreement with the heights as I have listed them.

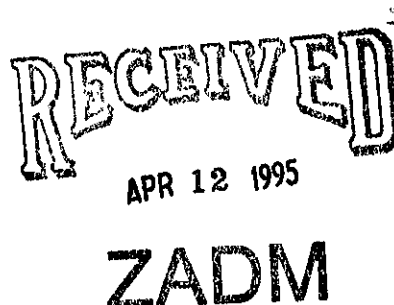
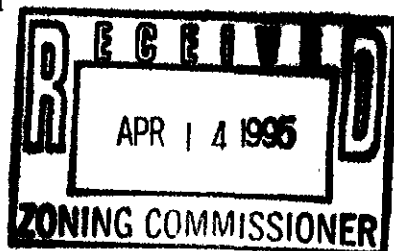
I thank the Commissioner for his consideration in this matter and stand ready to provide any additional information as necessary.

Sincerely,

  
Keith R. Truffer

KRT:km

cc: Mr. M.V. Ruckles, III  
Ms. Barbara Stubenrauch-Robinson  
Mr. Michael Maguire  
Mr. R. Douglas Dale  
Mr. Theodore Peiffer



MICROFILMED

**MARYLAND LINE AREA ASSOCIATION, INC.**  
**1501 Harris Mill Road**  
**Parkton, Maryland 21120**  
**(410) 343-1089**

March 30, 1995

Zoning Commissioner  
Baltimore County  
Old Court House, 1st. floor  
Towson, Md. 21204

Re: Case No. 95-300-x (Item 297)

Dear Sir:

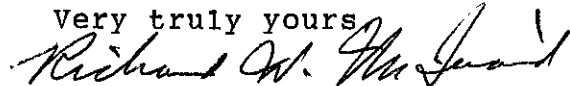
I am writing to register the opposition of the Maryland Line Area Association to the granting of a Special Exception for a wireless transmitting and receiving structure within the limits of our organization.

There is **no justification** for another antenna structure for Bell Atlantic Maryland Inc. when they already have one within two miles of the proposed site. The unsightly appearance of these structures are a blight on the landscape and there are already enough of them to serve all of the needs for communication.

This is proposed on property adjacent to the property of a Baltimore County Landmark, which is also on the National Register of Historic Places, namely Wiseburg Inn.

If the proposed structure is more than thirty-five feet high, it will be impossible to screen from the view of this Historic Landmark. History is the property of **all of the citizens ;of Baltimore County** and should not be desecrated by Bell Atlantic- Maryland for any purpose. It is in the hands of the Zoning Commissioner to protect the heritage of Baltimore County.

Very truly yours,



Dr. Richard W. McQuaid  
President

RECORDED

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

BOB MORELOCK  
H. THEODORE PEPPER  
MIKE MAGUIRE

DMW, 200 E. PENNA. AVE, TOWSON  
1 E. PRATT ST., BALTIMORE, MD  
100 E. PENNSYLVANIA AVE 21286

PLEASE PRINT CLEARLY

PROTESTANT(S) SIGN-IN SHEET

NAME

ADDRESS

BARBARA STUBENRAUCH

M. V. ~~Stuber~~ III

Runkles III

18213 YORK RD PARKTOWN

18,200 York Rd Parkton Md

MICROFILMED



U.S. Department  
of Transportation  
**Federal Aviation  
Administration**

# NAD 83

Eastern Region

Fitzgerald Federal Building  
John F. Kennedy  
International Airport  
Jamaica, New York 11430

## ACKNOWLEDGEMENT OF NOTICE OF PROPOSED CONSTRUCTION OR ALTERATION

CITY	STATE	LATITUDE/LONGITUDE	MSL	AGL	AMSL
PARKTON	MD	39-37-40.20 076-39-32.30	630	100	730

BELL ATLANTIC - MARYLAND, INC.  
ATTN: H. T. PEIFFER  
1 E. PRATT STREET, 1N-20  
BALTIMORE, MD 21202

AERONAUTICAL STUDY  
No: 94-AEA-0851-OE

Type Structure: ANTENNA TOWER 152.630 MHZ AT 500 WATTS

The Federal Aviation Administration hereby acknowledges receipt of notice dated 05/16/94 concerning the proposed construction or alteration contained herein.

A study has been conducted under the provisions of Part 77 of the Federal Aviation Regulations to determine whether the proposed construction would be an obstruction to air navigation, whether it should be marked and lighted to enhance safety in air navigation, and whether supplemental notice of start and completion of construction is required to permit timely charting and notification to airmen. The findings of that study are as follows:

The proposed construction would not exceed FAA obstruction standards and would not be a hazard to air navigation.

Obstruction marking and lighting are not necessary.

This determination expires on 12/30/94 unless application is made, (if subject to the licensing authority of the Federal Communications Commission), to the FCC before that date, or it is otherwise extended, revised or terminated.

If the structure is subject to the licensing authority of the FCC, a copy of this acknowledgement will be sent to that Agency.

NOTICE IS REQUIRED ANYTIME THE PROJECT IS ABANDONED OR THE PROPOSAL IS MODIFIED

SIGNED Richard J. Picone Specialist, Systems Management Branch  
Richard J. Picone (718) 553-1230/1228  
ISSUED IN: Jamaica, New York ON 06/30/94

MICROFILMED

Ref No 6

Bell Atlantic Paging  
11540 G Rockville Pike  
Rockville, MD 20852

MEMORANDUM

*No 4*

TO: KEITH TRUFFER  
FROM: GLEN WILSON  
DATE: DECEMBER 19, 1994  
RE: PARKTON TRANSMITTER

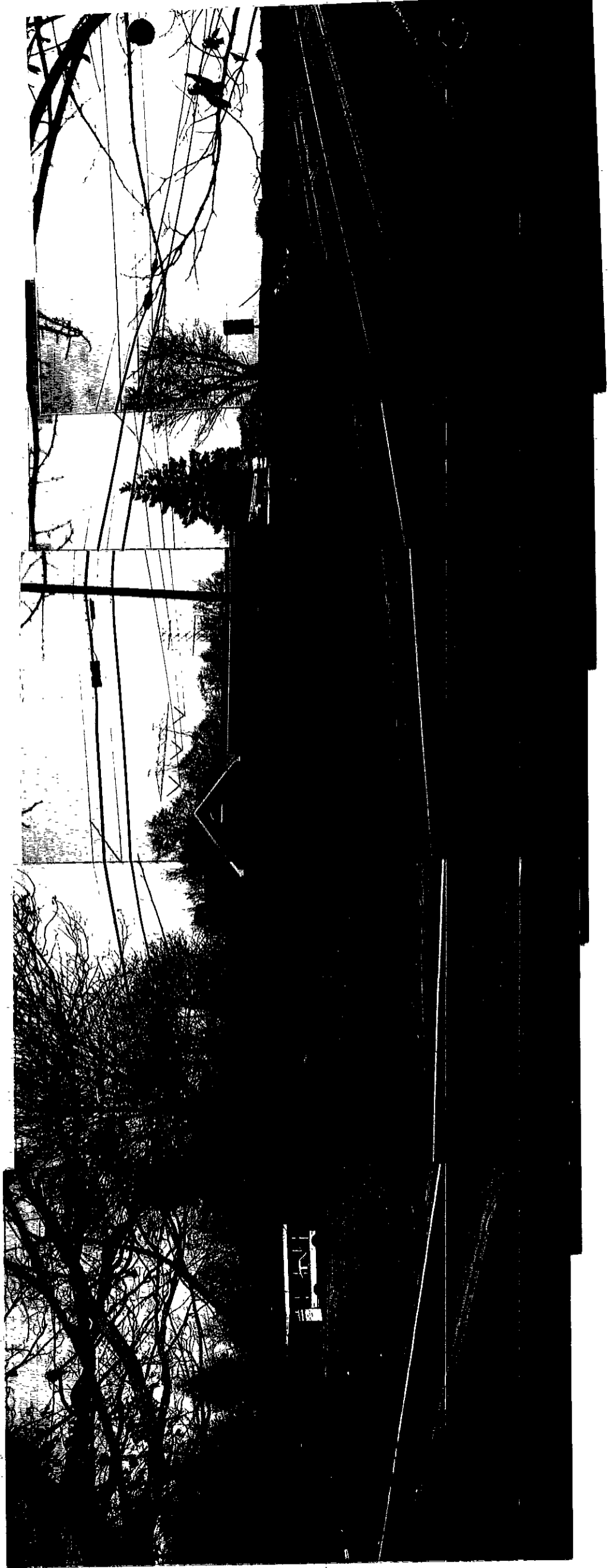
As per our conversation of Friday, December 16, the following information displays accounts Bell Atlantic Paging services in other areas of Maryland, that provide emergency services.

- \* Johns Hopkins Hospital in Baltimore City presently has 72 pagers.
- \* American Ambulance and Oxygen, also in Baltimore City has 8 pagers.
- \* Deaton Hospital has 46 pagers.
- \* North Arundel Hospital in Glen Burnie, MD, which is in Anne Arundel County, has 150 pagers.

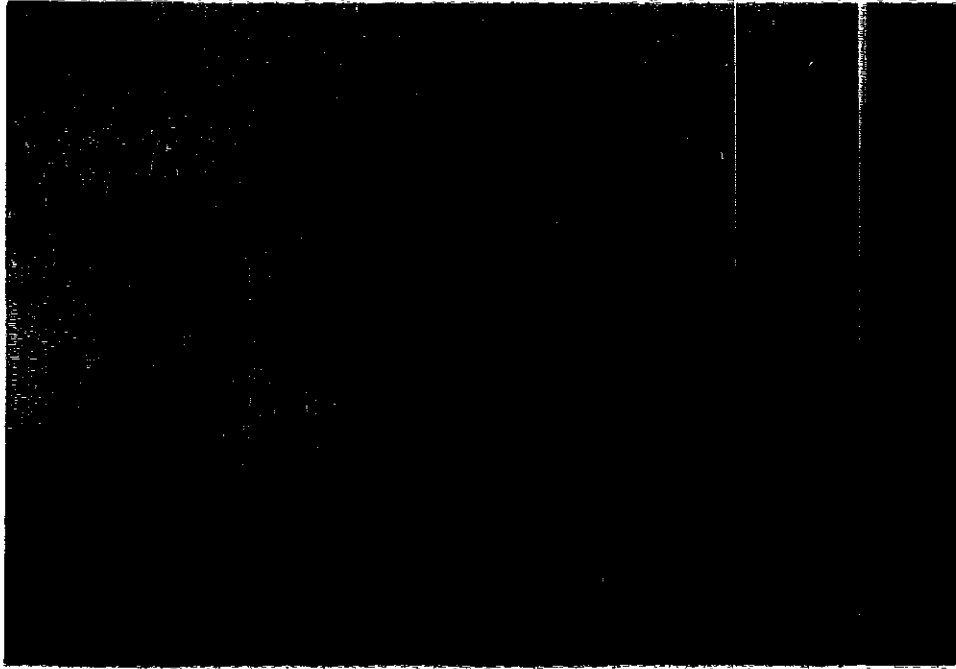
Each of these accounts are integral to the respective communities they serve. With the addition of a tower in Parkton we would be able to pursue accounts in the Northern Baltimore County area. Bell Atlantic Paging also services such accounts as, Georgetown University Hospital, The Federal Emergency Management Agency, and various other government agencies in Washington DC.

If you require additional information from me, or have any questions please call me on (301) 230-7013.

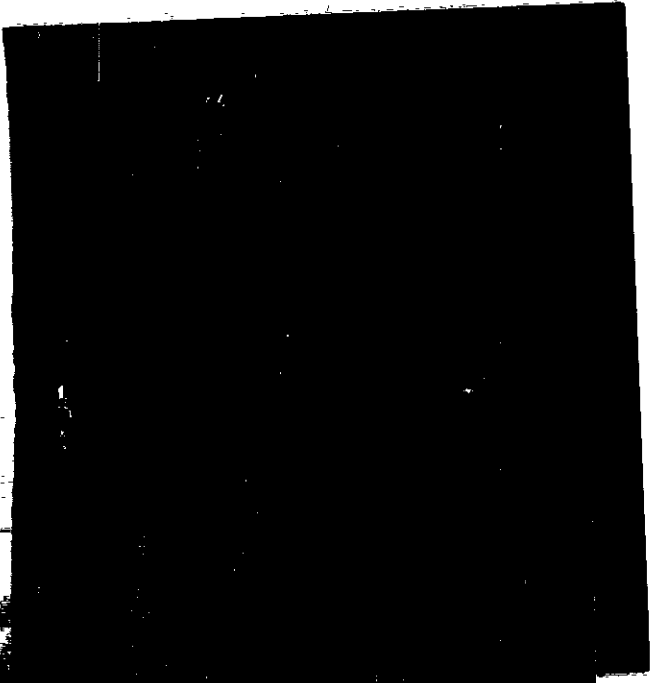
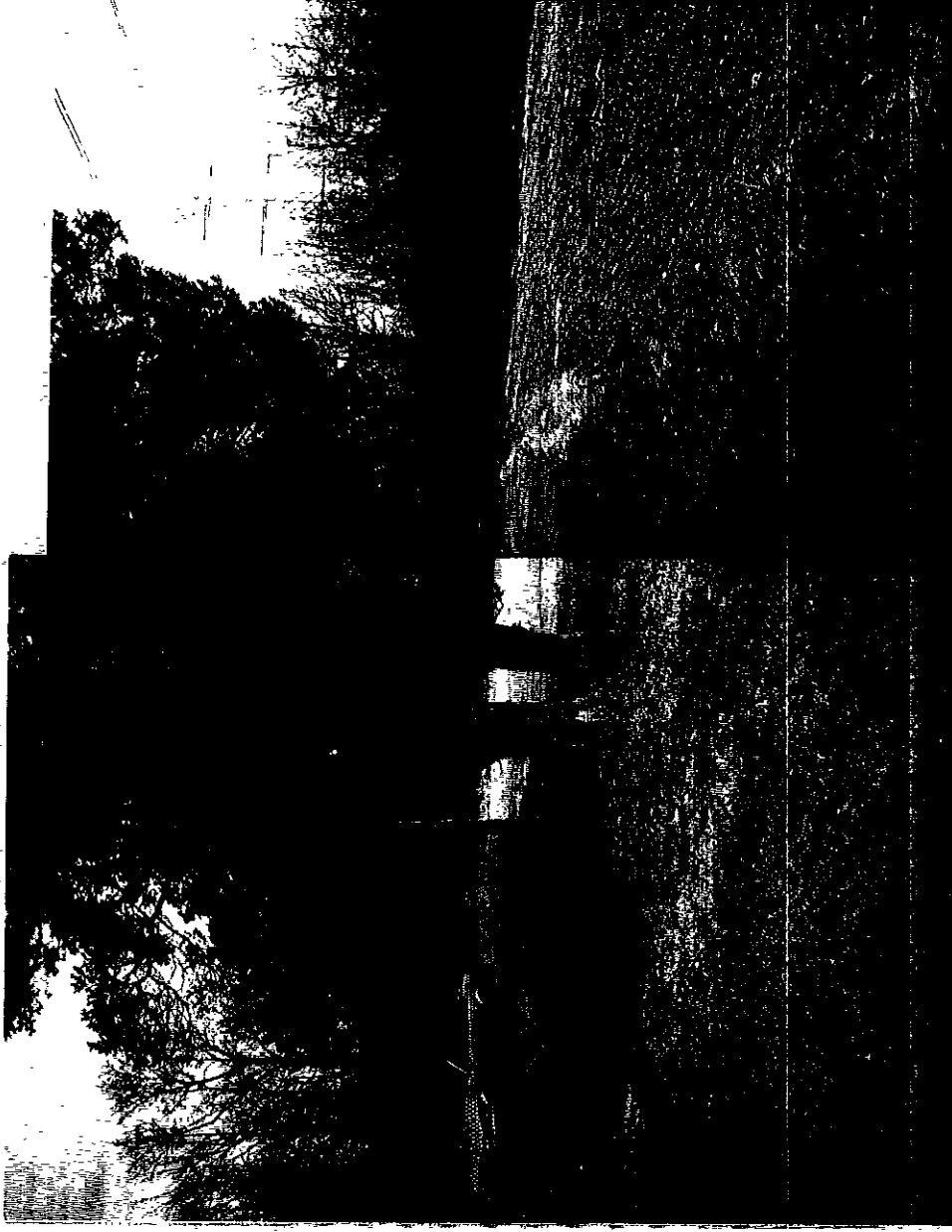
PETITIONER'S EX # 7

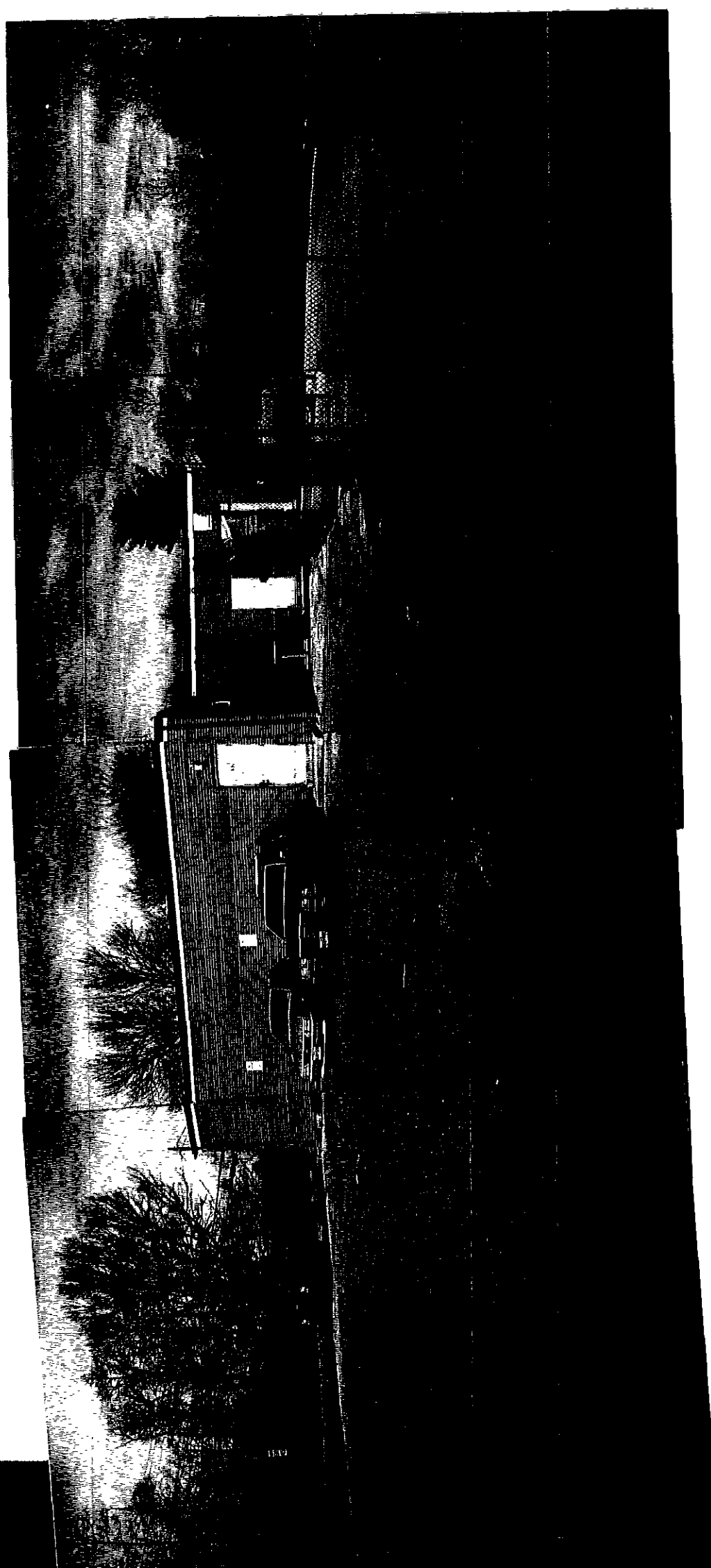


PETITIONER'S Ex #5



PETITION'S EX # 3









IN RE: PETITION FOR SPECIAL EXCEPTION \* BEFORE THE  
E/S York Road, 71' N of \* ZONING COMMISSIONER  
Middletown Road \* OF BALTIMORE COUNTY  
(Parkton Central Office Site)  
7th Election District \* Case No. 95-300-X  
3rd Councilmanic District \*  
Bell Atlantic-Maryland, Inc.  
Petitioner \*

**FINDINGS OF FACT AND CONCLUSIONS OF LAW**

This matter comes before the Zoning Commissioner as a Petition for Special Exception for that property identified herein as the Parkton Central Office Site for Bell Atlantic-Maryland, Inc., a 0.74 acre lot located on the east side of York Road, just north of Middletown Road in northern Baltimore County. The Petition was filed by the owner of the property, Bell Atlantic-Maryland, Inc., by Douglas P. Dale, Real Estate Manager, through their attorney, Keith R. Truffer, Esquire. The Petitioner seeks approval of a wireless transmitting and receiving structure on the subject property, zoned R.C. 4, pursuant to Section 1A03.3.B.14 of the Baltimore County Zoning Regulations (B.C.Z.R.). The subject property and relief sought are more particularly described on the site plan submitted and marked into evidence as Petitioner's Exhibit 2.

Appearing at the public hearing on behalf of the Petition were H. Theodore Peiffer, Radio Engineer for Bell Atlantic-Maryland, Inc., Robert Morelock and Michael Maguire, site engineers with Daft-McCune-Walker, Inc., and Keith R. Truffer, Esquire, attorney for the Petitioner. Appearing as Protestants in the matter were Barbara Stubenrauch and M. V. Runkles, III, residents of the area.

Testimony and evidence offered revealed that the subject property consists of 0.74 acres, zoned R.C. 4 and is improved with a one-story

brick building utilized as a telephone switching office for Bell Atlantic-Maryland, Inc. As noted above, the property is located in a rural area of northern Baltimore County, adjacent to York Road not far from Middletown Road and I-83. This property was granted a special exception for a telephone central dial office in 1965. In 1972, that special exception was amended and enlarged when the then Petitioner, the C & P Telephone Company requested an expansion of same in Case No. 72-23-XA. The property is roughly rectangular shaped and as noted above, is improved with a one-story brick building which is utilized as a central dial office. The building is not manned per se, other than for maintenance and technical service individuals. The building presently serves to handle telephone transmissions in the Parkton area and facilitate the switching and connecting of same. The subject property has been utilized by Bell Atlantic-Maryland, Inc. and its predecessor in this fashion since approximately 1948.

As to the instant Petition for Special Exception, Bell Atlantic-Maryland, Inc. proposes to construct a 90-foot monopole immediately adjacent to the building near the rear of the site. This pole will facilitate Bell Atlantic's pager network. As is well-known by this Zoning Commissioner from testimony offered in other cases, cellular technology requires a series of inner-connected grids in order to provide uninterrupted service throughout a given geographic area. Testimony from Mr. Peiffer indicated that there is a hole in the grid network in the north Baltimore County area. Installation of the subject monopole will fill this hole in the connections network. The monopole will be utilized only to transmit pager communications. It will not be used for cellular telephones, automobile phones, cellular fax transmissions, etc. Mr. Peiffer also testified that the pole meets all federal government standards and requirements. It

- 3 -

generates less than the maximum amount of radiation allowed by the Federal Communications Commission (FCC). Moreover, the Federal Aviation Administration (FAA) has approved construction of the subject pole. (See Petitioner's Exhibit 6). The pole will not be lighted nor painted with any special markings. Moreover, there will be two cables leading from the existing building to the pole; however, these cables are not large and do not provide structural support. Sitting atop the pole will be two antennae, each approximately 3 feet high.

Also testifying in support of the Petition was Michael Maguire, a Registered Land Surveyor with Daft-McCune-Walker, Inc., the consulting firm which prepared the site plan. Mr. Maguire has assisted Bell Atlantic-Maryland, Inc., and other corporate clients, with the placement of towers in Baltimore County and throughout the Baltimore Metropolitan Area. He addressed each of the considerations for special exception relief as set forth in Section 502.1 of the B.C.Z.R. He opined that the requested special exception use would not be detrimental to the health, safety and general welfare of the subject locale. He stated that the subject pole would not increase traffic nor would same present any health hazard to the community nearby. Mr. Maguire also stressed the fact that large Baltimore Gas & Electric transmission lines and towers are located immediately adjacent to the subject site, as are telephone poles on both sides of York Road. In his opinion, the appearance of the subject pole would not detract from the vicinity from a visual standpoint, particularly in view of the electric transmission lines and towers nearby.

Testifying in opposition to the request was M. V. Runkles, III, owner of a large tract of land nearby and Secretary of the Weisburg Community Association. Mr. Runkles also owns the Weisburg Inn, a historic

- 3 -

dwelling which is on the National Registry of Historic Places. The Weisburg Inn is presently used as a residence, but plans are being made for the conversion of same to a museum. Mr. Runkles voiced several concerns. These included the fact that the lot itself is very small and in Mr. Runkles' view, the installation of additional equipment thereon will overwhelm the property. Also, Mr. Runkles opined that the height of the tower would make same difficult, if not impossible, to buffer and that other commercial properties in the vicinity should have been considered.

In addition to these concerns, Mr. Runkles noted that Bell Atlantic-Maryland, Inc. has another tower approximately 1.5 miles from the subject site. That tower facilitates cellular telephone transmissions. Mr. Runkles both cross-examined the Petitioner's witnesses and offered his own testimony on this issue. He believes that the antenna needed for Bell Atlantic's pager network should be placed on the existing tower. In response to this request, Mr. Peiffer indicated that this scenario was considered by the Petitioner but could not be facilitated because the property owner who leases the site for Bell Atlantic's existing telephone tower would not agree to additional uses thereon. Although no new construction is proposed at the subject site, a small support building would be necessary if the pole were built elsewhere. The equipment for this pole will be placed inside the existing building at the subject site.

As noted above, this matter comes before me as a Petition for Special Exception. The subject antenna and monopole are permitted in the R.C. zones, by special exception, pursuant to Section 1A03.3.B.14 of the B.C.Z.R. As has been repeatedly stated by the Appellate Courts of this State, a special exception use is presumptively valid, absent a showing that the particular facts or circumstances negate that presumption. (See

- 4 -

Rothwell Fuel and Feed Co., Inc. v. Board of Appeals of the City of Gaithersburg, 257 Md. 183, 262 A2d. 499 (1970). That is, a special exception use is permissible, but for a showing that particular facts or unique circumstances exist which would render the presumption invalid.

In Baltimore County, the criteria to be applied to any proposed special exception are contained within Section 502.1 of the B.C.Z.R. Therein is a list of factors and considerations which need be applied to a proposed special exception. Such considerations as the proposed use's impact on traffic, impermeable surface, public utilities, etc., are listed. Moreover, additional criteria for wireless transmitting and receiving devices are found in Section 502.7 of the B.C.Z.R. Within that Section, it is provided that wireless transmitting facilities in R.C., D.R. or R.O. zones are subject to additional requirements, above and beyond those items listed in Section 502.1 of the B.C.Z.R. However, it is to be noted that certain exemptions are provided from the requirements of Section 502.7.C of the B.C.Z.R. Specifically, Section 502.7.C.2 provides that those additional requirements do not apply to wireless transmitting or receiving structures serving land-based local telephone public utility communication needs at existing facilities, provided that the Petitioner affirmatively establishes that the structure and service meets certain critical communication needs for public safety purposes.

In this case, an exemption under that Section was granted by the Zoning Administration and Development Management (ZADM) office and a note regarding same appears on the site plan. Although ZADM's authority to grant such an exemption might be questioned, the interpretation and application of the B.C.Z.R. reserve to the discretion of the Zoning Commissioner. The exemption, on its merits, was proper in this case. Clearly, the

- 5 -

site is indeed a facility for a local telephone public utility. Moreover, the uncontradicted testimony and evidence presented was that the pole will serve critical communication needs for public safety purposes. Specifically, testimony and evidence was offered that the pager system is utilized by doctors, paramedics, and other emergency services personnel. Immediate communication to these individuals is required in order to serve and protect the public safety. Thus, it appears that this Petitioner is exempt from the requirements of Section 502.7.C of the B.C.Z.R., based on the exempting language contained in Section 502.7.C.2. This exemption is significant in that this exemption manifests the County Council's intention to not require this Petitioner to meet many of the stringent requirements which would otherwise need be satisfied. Thus, this Petitioner is not required to comply with the specific provisions contained in Section 502.7.C. For example, the subject lot need not be at least 5 acres, an environmental impact statement need not be submitted, and certain setbacks need not be observed, etc. This exemption, coupled with the fact that a special exception is presumptively valid, requires this Zoning Commissioner to grant the Petition. Moreover, Section 502.7.A of the B.C.Z.R. provides prohibiting language for wireless transmitting and receiving facilities located near existing historic districts. Although this Section would otherwise be applicable to the subject site, in view of its proximity to the Weisburg Inn, again, the County Council has specifically provided an exemption. The exemption provided, in Section 502.7.B.1 states that the prohibition provided above is not applicable for towers of less than 350 feet in height. Thus, the subject 90-foot monopole is exempt and can be located near a historic site. Again, the presumptive validity of the special exception use under the case law and the Council's clear intent

- 6 -

within its exempting language present compelling reasons to support the grant of a Petition for Special Exception. It should also be noted that the other towers in the vicinity of this site range in height from 80 to 115 feet. Thus, the height of the proposed tower is consistent with other towers the Petitioner maintains in this area. Therefore, for the reasons stated above, I am persuaded that the Petition for Special Exception should be granted and I shall so order.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the special exception relief requested shall be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 17th day of April, 1995 that the Petition for Special Exception seeking approval of a wireless transmitting and receiving structure on the subject property, zoned R.C. 4, pursuant to Section 1A03.3.B.14 of the Baltimore County Zoning Regulations (B.C.Z.R.), in accordance with Petitioner's Exhibit 2, be and is hereby GRANTED, subject to the following restriction:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.

LES:bjs

LAWRENCE E. SCHMIDT  
Zoning Commissioner  
for Baltimore County

- 7 -

Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning



Suite 112 Courthouse  
400 Washington Avenue  
Towson, MD 21204

April 17, 1995

(410) 887-4386

Keith R. Truffer, Esquire  
102 W. Pennsylvania Avenue, Suite 600  
Towson, Maryland 21204

RE: PETITION FOR SPECIAL EXCEPTION  
E/S York Road, 71' N of Middletown Road  
(Parkton Central Office Site)  
7th Election District - 3rd Councilmanic District  
Bell Atlantic-Maryland, Inc. - Petitioner  
Case No. 95-300-X

Dear Mr. Truffer:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Exception has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

LAWRENCE E. SCHMIDT  
Zoning Commissioner  
for Baltimore County

LES:bjs

cc: Mr. Douglas P. Dale, Real Estate Manager  
Mr. H. Theodore Peiffer, Bell Atlantic-Maryland, Inc.  
1 E. Pratt Street, Baltimore, Md. 21202-1038

Messrs. Michael Maguire and Robert Morelock  
Daft-McCune-Walker, Inc., 200 E. Pennsylvania Ave., Towson, Md. 21286

Mr. M. V. Runkles, III, 18200 York Road, Parkton, Md. 21120  
Ms. Barbara Stubenrauch, 18213 York Road, Parkton, Md. 21120  
Dr. Richard W. McQuaid, 1501 Harris Mill Road, Parkton, Md. 21120

People's Counsel; File

297  
Petition for Special Exception  
95-300-X

to the Zoning Commissioner of Baltimore County

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property for A wireless transmitting and receiving structure in an RC-4 zone pursuant to Section 1A03.3.B.14.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

n/a  
(Type or Print Name)

Signature

Address

City and State

Attorney for Petitioner:

Keith R. Truffer

(Type or Print Name)

Signature

102 W. Pennsylvania Avenue

Suite 600

Towson, Maryland 21204

City and State

Attorney's Telephone No.: (410) 823-1800

Legal Owner(s):

Bell Atlantic-Maryland, Inc.  
(Type or Print Name)

Signature

Douglas P. Dale, Real Estate Manager

(Type or Print Name)

Signature

1 East Pratt Street (410) 393-4058

Address

Baltimore, MD 21202-1038

City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted

Keith R. Truffer, Esq.

102 W. Pennsylvania Avenue

Towson, MD 21204 (410) 823-1800

Address

Phone No.

OFFICE USE ONLY  
ESTIMATED LENGTH OF HEARING - 1/2HR.  
AVAILABLE FOR HEARING  
MON.-THURS. - NEXT TWO MONTHS  
ALL OTHERS  
REVIEWED BY: [Signature] DATE 3/2/95

Description

To Accompany Petition for Special Exception

0.74 Acre Parcel, Bell Atlantic - Maryland, Inc. Property

East Side of York Road

North of Middletown Road

Seventh Election District, Baltimore County, Maryland

DMW

Duff McKee-Walker, Inc.

290 East Pennsylvania Avenue

Towson, Maryland 21206

(410) 296-3333

Fax 296-4795

A Team of Land Planners

Landscape Architects

Engineers, Surveyors &

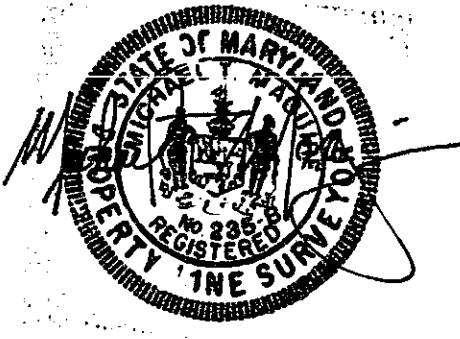
Environmental Professionals

Beginning for the same in the center of York Road at the distance of 71 feet, more or less, as measured northerly along said centerline from its intersection with the centerline of Middletown Road, thence leaving said point of beginning and binding on the center of York Road the two following courses and distances, viz: (1) North 00 degrees 00 minutes 30 seconds East 154.01 feet, and thence (2) North 00 degrees 26 minutes East 55.59 feet, thence leaving said centerline and running the four following courses and distances, viz: (3) South 88 degrees 55 minutes East 186.55 feet, thence (4) South 00 degrees 26 minutes West 63.50 feet, thence (5) South 49 degrees 30 minutes East 58.86 feet, and thence (6) South 65 degrees 45 minutes 46 seconds West 253.73 feet to the place of beginning; containing 0.74 acres of land, more or less.

THIS DESCRIPTION HAS BEEN PREPARED FOR ZONING PURPOSES ONLY AND IS NOT INTENDED TO BE USED FOR CONVEYANCE.

February 10, 1995

Project No. 94090 (L94090)



Page 1 of 1

CERTIFICATE OF POSTING  
ZONING DEPARTMENT OF BALTIMORE COUNTY 95-300-X  
Towson, Maryland

District: 7th Date of Posting: 3/1/95  
Posted for: Special Exception  
Petitioner: Bell Atlantic - Maryland, Inc.  
Location of property: 7th Election District, N. Middletown Rd.  
Location of Sign: Facing roadway on property being zoned.  
Remarks: [Signature]  
Posted by: [Signature] Date of return: 3/1/95  
Number of Signs: 1

CERTIFICATE OF PUBLICATION

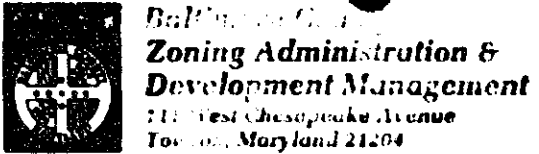
TOWSON, MD., March 17, 1995

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on March 6, 1995.

THE JEFFERSONIAN,

A. H. [Signature]

NOTES: (1) Planning or Hand-drawn documents for some accommodations. Please call 867-3353. (2) Offer information concerning the proposed hearing. Please call 867-3353. (3) For information concerning the filing and/or hearing, contact this office at 867-3391.



receipt  
95-300-X

Account: R 0014150

Number: 297

BY JLL

Date: 3/2/95

1 SPX PLUG CODE 050 300.00  
1 SIGN POSTING CODE 050 35.00  
TOTAL \$ 335.00

BELL ATLANTIC - MD

102 W. PENNSYLVANIA AVE

TOWSON, MD 21204

Please Make Checks Payable To: Baltimore County

Cashier Validation

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- Posting fees will be assessed and paid to this office at the time of filing.
- Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

[Signature]  
ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 297

Petitioner: Bell Atlantic - MD

Location: East Side of York Rd, 71' North of Middletown Rd

PLEASE FORWARD ADVERTISING BILL TO:

NAME: R. Douglas Dale

ADDRESS: Bell Atlantic - MD, 1 East Pratt Street

Baltimore, MD 21202-1038

PHONE NUMBER: 393-4058

AJ:ggg

(Revised 04/09/93)

TO: FUTUREST PUBLISHING COMPANY  
March 16, 1995 Issue - Jeffersonian

Please forward billing to:

R. Douglas Dale  
Bell Atlantic-Maryland, Inc.  
1 E. Pratt Street  
Baltimore, Maryland 21202-1038  
410-393-4058

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 95-300-X (Item 297)  
6/8 York Road, 71' N of Middletown Road  
7th Election District - 3rd Councilmanic  
Legal Owner(s): Bell Atlantic-Maryland, Inc.  
HEARING: MONDAY, APRIL 3, 1995 at 2:00 p.m. in Room 118, Old Courthouse.

Special Exception for a wireless transmitting and receiving structure.

LAWRENCE E. SCHMIDT  
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 867-3353. (2) FOR INFORMATION CONCERNING THE FILING AND/OR HEARING, PLEASE CALL 867-3391.

Baltimore County Government  
Office of Zoning Administration  
and Development Management



111 West Chesapeake Avenue  
Towson, MD 21204

(410) 887-3353

March 10, 1995

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 95-300-X (Item 297)  
6/8 York Road, 71' N of Middletown Road  
7th Election District - 3rd Councilmanic  
Legal Owner(s): Bell Atlantic-Maryland, Inc.  
HEARING: MONDAY, APRIL 3, 1995 at 2:00 p.m. in Room 118, Old Courthouse.

Special Exception for a wireless transmitting and receiving structure.

[Signature]  
Arnold Jablon  
Director

cc: Bell Atlantic-Maryland, Inc.  
Keith R. Truffer, Esq.

NOTES: (1) HEARING SIGN & POST MUST BE RETURNED TO RM. 106, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE. (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 867-3353. (3) FOR INFORMATION CONCERNING THE FILING AND/OR HEARING, CONTACT THIS OFFICE AT 867-3391.

Baltimore County Government  
Office of Zoning Administration  
and Development Management



111 West Chesapeake Avenue  
Towson, MD 21204

(410) 887-3353

March 27, 1995

Keith R. Truffer, Esquire  
102 W. Pennsylvania Avenue  
Suite 600  
Towson, Maryland 21204

RE: Item No.: 297  
Case No.: 95-300-X  
Petitioner: Bell Atlantic-MD., Inc.

Dear Mr. Truffer:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approving agencies, has reviewed the plans submitted with the above referenced petition. Said petition was accepted for processing by, the Office of Zoning Administration and Development Management (ZADM), Development Control Section on March 2, 1995.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties; i.e., zoning commissioner, attorney, petitioner, etc. are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,  
W. Carl Richards, Jr.  
Zoning Supervisor

WCR/jw  
Attachment(s)

Printed with Recycled Ink on Recycled Paper

BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: March 20, 1995  
Zoning Administration and Development Management

FROM: Robert W. Bowling, P.E., Chief  
Developers Engineering Section

RE: Zoning Advisory Committee Meeting  
for March 20, 1995  
Items 297, 299, 301, 302 and 303

The Developers Engineering Section has reviewed  
the subject zoning item and we have no comments.

RWB:aw

BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director  
Zoning Administration and  
Development Management

DATE: March 8, 1995

FROM: Pat Keller, Director  
Office of Planning and Zoning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning and Zoning has no comments on the following petition(s):

Item Nos. 297 and 303

If there should be any further questions or if this office can provide additional  
information, please contact Jeffrey Long in the Office of Planning at 887-3480.

Prepared by: *Jeffrey W. Long*

Division Chief: *Carol L. Kern*

PK/JL

ITEM297/PZONE/TXTJWL

700 East Joppa Road Suite 901  
Towson, MD 21286-5500

(410) 887-4500

DATE: 03/10/95

Arnold Jablon  
Director  
Zoning Administration and  
Development Management  
Baltimore County Office Building  
Towson, MD 21204  
MAIL STOP-1102

RE: Property Owner: SEE BELOW

LOCATION: DISTRIBUTION MEETING OF MAR. 13, 1995.

Item No. 1 SEE BELOW

Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed  
by this Bureau and the comments below are applicable and required to  
be corrected or incorporated into the final plans for the property.

1. The Fire Marshal's Office has no comments at this time.  
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 296, 297, 299, 300,  
301 AND 302.

RECEIVED  
MAR 14 1995  
ZADM

REVIEWER: LT. ROBERT P. SAUERWALD  
Fire Marshal Office, PHONE 887-4581, MS-1100F

cc: File

Printed on Recycled Paper



Maryland Department of Transportation  
State Highway Administration

O. James Lighthizer  
Secretary  
Hal Kassoff  
Administrator

3-10-95

Ms. Joyce Watson  
Zoning Administration and  
Development Management  
County Office Building  
Room 109  
111 W. Chesapeake Avenue  
Towson, Maryland 21204

Re: Baltimore County  
Item No.: +297 (JLL)

Dear Ms. Watson:

This office has reviewed the referenced item and we have no objection to  
approval as it does not access a State roadway and is not effected by any State Highway  
Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

*Bob Small*  
for Ronald Burns, Chief  
Engineering Access Permits  
Division

BS/

My telephone number is \_\_\_\_\_

Maryland Relay Service for Impaired Hearing or Speech  
1-800-735-8256 Statewide Toll Free  
Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717  
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

BALTIMORE COUNTY, MARYLAND  
Inter-Office Memorandum

DATE: March 2, 1995

TO: Hearing Officer

FROM: John L. Lewis  
Planner II, ZADM

SUBJECT: Item #297  
Bell Atlantic-Maryland, Inc.  
York Road

Administrative decision by letter was previously made. Exempt from  
502.7.C(1-5) due to Section 502.7.D.2.

At filing advised that a special hearing would be appropriate to amend  
the prior special exception to accompany the new special exception filing. The attorney  
took this under advisement.

JLL:scj

PETITION PROBLEMS - AGENDA OF 3/13/95

#296 - JLL

1. No printed or typed title for person signing for person signing for  
Warren Group.
2. No authorization for person signing for Warren Group.

#297 - JLL

1. No authorization for person signing for Bell Atlantic.

#298 - JLL

1. Need power of attorney statement for personal representative.  
(See JLL's note to the hearing officer.)

#302 - CAM

1. No telephone number for legal owner.
2. Plan is too large to be microfilmed. (Should not be larger than 24"  
x 36")
3. Receipt was not given to petitioner.

#303 - JLS

1. No authorization for person signing for American PCS.
2. No authorization for person signing for Longview Executive Park.

RE: PETITION FOR SPECIAL EXCEPTION \* BEFORE THE  
E/S York Road, 71' N of Middletown Road \* ZONING COMMISSIONER  
7th Election District, 3rd Councilmanic \*  
Bell Atlantic-Maryland, Inc. \* OF BALTIMORE COUNTY  
Petitioner \* CASE NO. 95-300-X  
\* \* \* \* \*

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-  
captioned matter. Notice should be sent of any hearing dates or other  
proceedings in this matter and of the passage of any preliminary or  
final Order.

*Peter Max Zimmerman*  
PETER MAX ZIMMERMAN  
People's Counsel for Baltimore County

*Carole S. Demilio*  
CAROLE S. DEMILIO  
Deputy People's Counsel  
Room 47, Courthouse  
400 Washington Avenue  
Towson, MD 21204  
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this *29th* day of March, 1995, a copy of  
the foregoing Entry of Appearance was mailed to Keith R. Truffer,  
Esquire, 102 W. Pennsylvania Avenue, Suite 600, Towson, MD 21204,  
attorney for Petitioners.

*Peter Max Zimmerman*  
PETER MAX ZIMMERMAN

ROYSTON, MUELLER, MCLEAN & REID  
ATTORNEYS AT LAW

SUITE 600  
THE ROYSTON BUILDING  
100 WEST PENNSYLVANIA AVENUE  
TOWSON, MARYLAND 21204 4575  
(410) 887-0800  
TELEPHONE FAX (410) 887-7800

JULIA CHARRA BECK  
CHRISTINE J. SAVERDA  
KARON J. VIELL  
LAWRENCE ANNE RUTH  
OF COUNSEL  
CHARLES F. STEIN II  
D. EMILIE PARKS  
OF COUNSEL  
H. ANTHONY MUELLER  
CARROLL W. ROYSTON  
(410) 887-0800

April 11, 1995

Mr. Lawrence Schmidt  
Zoning Commissioner  
Baltimore County Zoning Administration  
and Development Management  
111 West Chesapeake Avenue  
Towson, Maryland 21204

Re: Bell Atlantic-Maryland, Inc. - Parkton Dial Center  
Case No. 95-300-X (Item 297)

Dear Mr. Commissioner:

I follow up on the hearing on this matter held before you on April 3, 1995. As discussed at the hearing,  
I submit the following heights of the Baltimore Gas & Electric Company towers east and west of York Road in  
proximity to the subject site.

The height of the BG&E towers west of York Road are 70 feet and 85 feet; the height of the towers east  
of York Road are 80 feet and 115 feet. I have spoken to Mr. Ruckles concerning this matter and I am authorized  
to state that he has no disagreement with the heights as I have listed them.

I thank the Commissioner for his consideration in this matter and stand ready to provide any additional  
information as necessary.

Sincerely,

*Keith R. Truffer*  
Keith R. Truffer

KRT:km  
cc: Mr. M.V. Ruckles, III  
Ms. Barbara Stubbenrauch-Robinson  
Mr. Michael Maguire  
Mr. R. Douglas Dale  
Mr. Theodore Peiffer

RECEIVED  
APR 14 1995  
ZONING COMMISSIONER

RECEIVED  
APR 12 1995  
ZADM

MARYLAND LINE AREA ASSOCIATION, INC.  
1501 Harris Mill Road  
Parkton, Maryland 21120  
(410) 343-1089

March 30, 1995

Zoning Commissioner  
Baltimore County  
Old Court House, 1st. floor  
Towson, Md. 21204

Re: Case No. 95-300-x (Item 297)

Dear Sir:

I am writing to register the opposition of the Maryland Line Area Association to the granting of a Special Exception for a wireless transmitting and receiving structure within the limits of our organization.

There is no justification for another antenna structure for Bell Atlantic Maryland Inc. when they already have one within two miles of the proposed site. The unsightly appearance of these structures are a blight on the landscape and there are already enough of them to serve all of the needs for communication.

This is proposed on property adjacent to the property of a Baltimore County Landmark, which is also on the National Register of Historic Places, namely Wiseburg Inn.

If the proposed structure is more than thirty-five feet high, it will be impossible to screen from the view of this Historic Landmark. History is the property of all of the citizens of Baltimore County and should not be desecrated by Bell Atlantic Maryland for any purpose. It is in the hands of the Zoning Commissioner to protect the heritage of Baltimore County.

Very truly yours,  
*Richard W. McQuaid*  
Dr. Richard W. McQuaid  
President

PLEASE PRINT CLEARLY

PROTESTANT(S) SIGN-IN SHEET

NAME

ADDRESS

BARBARA STUBENGAUCH

1813 YORK RD PARKTON

M. V. ~~STUBENGAUCH~~ JR

18300 York Rd Parkton Md

Runkler III

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

BOB MORELOCK

DMW, 200 E. PENNA. AVE, TOWSON

H. THEODORE PEIFFER

1 E. PRATT ST., BALTIMORE, MD

MIKE MAGUIRE

100 E. PENNSYLVANIA AVE 21286

DEV-19-1994 16:11 FROM BELL ATLANTIC PAGING TO 9410820755 P.02

© Bell Atlantic  
Paging

Bell Atlantic Paging  
11540 G Rockville Pike  
Rockville, MD 20852

MEMORANDUM

TO: KEITH TRUFFER  
FROM: GLEN WILSON  
DATE: DECEMBER 19, 1994  
RE: PARKTON TRANSMITTER

As per our conversation of Friday, December 16, the following information displays accounts Bell Atlantic Paging services in other areas of Maryland, that provide emergency services.

- \* Johns Hopkins Hospital in Baltimore City presently has 72 pagers.
- \* American Ambulance and Oxygen, also in Baltimore City has 8 pagers.
- \* Deaton Hospital has 46 pagers.
- \* North Arundel Hospital in Glen Burnie, MD, which is in Anne Arundel County, has 150 pagers.

Each of these accounts are integral to the respective communities they serve. With the addition of a tower in Parkton we would be able to pursue accounts in the Northern Baltimore County area. Bell Atlantic Paging also services such accounts as, Georgetown University Hospital, The Federal Emergency Management Agency, and various other government agencies in Washington DC.

If you require additional information from me, or have any questions please call me on (301) 230-7013.

TOTAL P.02

US Department  
of Transportation  
Federal Aviation  
Administration

NAD 83

Regional Federal Building  
John F. Kennedy  
International Airport  
Jamaica, New York 11430

ACKNOWLEDGEMENT OF NOTICE OF PROPOSED CONSTRUCTION OR ALTERATION

CITY	STATE	LATITUDE/LONGITUDE	MSL	AGL	AMSL
PARKTON	MD	39-37-40.20 076-39-32.30	630	100	730

BELL ATLANTIC - MARYLAND, INC.  
ATTN: H. T. PEIFFER  
1 E. PRATT STREET, 1N-20  
BALTIMORE, MD 21202

AERONAUTICAL STUDY  
No: 94-AEA-0851-0E

Type Structure: ANTENNA TOWER 152.630 MHZ AT 500 WATTS

The Federal Aviation Administration hereby acknowledges receipt of notice dated 05/16/94 concerning the proposed construction or alteration contained herein.

A study has been conducted under the provisions of Part 77 of the Federal Aviation Regulations to determine whether the proposed construction would be an obstruction to air navigation, whether it should be marked and lighted to enhance safety in air navigation, and whether supplemental notice of start and completion of construction is required to permit timely charting and notification to airmen. The findings of that study are as follows:

The proposed construction would not exceed FAA obstruction standards and would not be a hazard to air navigation.

Obstruction marking and lighting are not necessary.

This determination expires on 12/30/94 unless application is made, (if subject to the licensing authority of the Federal Communications Commission), to the FCC before that date, or it is otherwise extended, revised or terminated.

If the structure is subject to the licensing authority of the FCC, a copy of this acknowledgement will be sent to that Agency.

NOTICE IS REQUIRED ANYTIME THE PROJECT IS ABANDONED OR THE PROPOSAL IS MODIFIED

SIGNED *Richard J. Ficore* Specialist, Systems Management Branch  
Richard J. Ficore (718) 553-1230/1228  
ISSUED IN: Jamaica, New York ON 06/30/94

Ref No 6



Speed  
Letter

In the event of need and  
according to the provisions of  
the Maryland State Police  
Department, the following  
information is being provided  
to you for your record.



January 11, 1995

Dear Mr. Truffer:

The zoning staff agrees with your opinion that this proposed wireless transmitting and receiving structure is exempt from Section 502.7.C (Baltimore County Zoning Regulations) as stated above. Please be advised that a request for development status should be made to the Development Review Committee (DRC) to resolve any development process questions. The telephone number of Development Management is 887-3335.

*John L. Lewis*  
John L. Lewis  
Planner II

JLL:scj

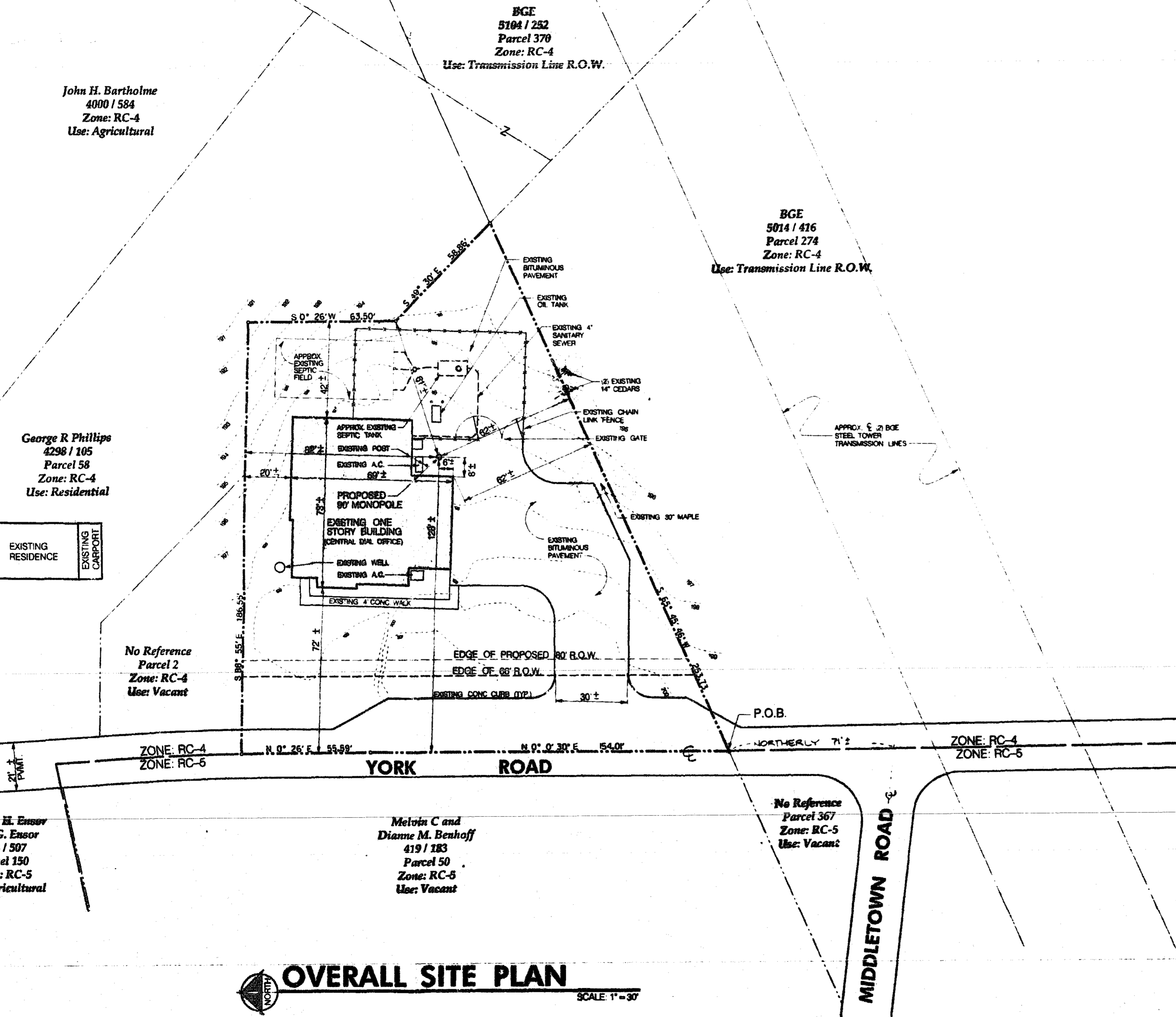
## Zoning Map

Portion of Baltimore County 200 Scale Zoning Map N.W. 31-C  
Scale: 1" = 200'



## Vicinity Map

Scale: 1" = 1000'



### NOTES:

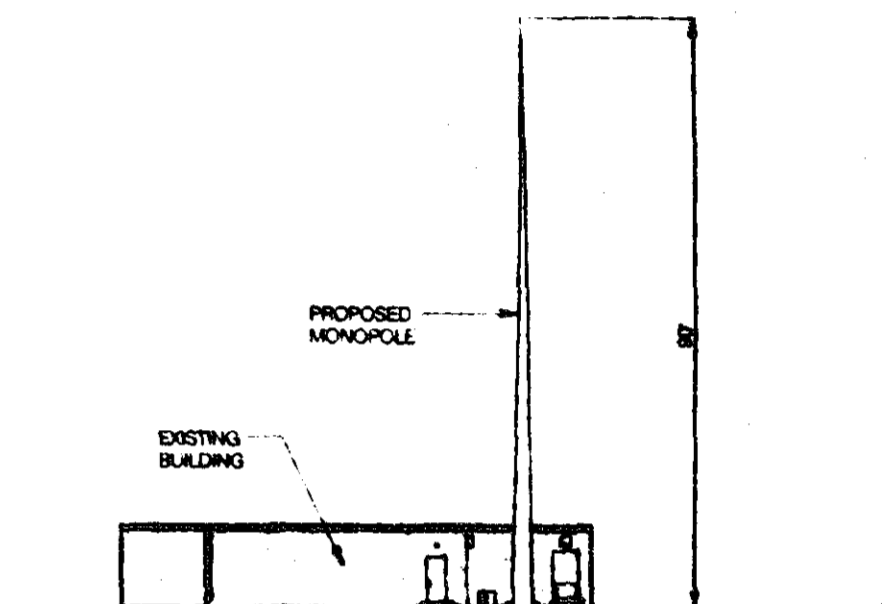
- Current owner and street address:  
Bell Atlantic - Maryland, Inc.  
c/o Staff Supervisor, Real Estate  
Shawhan & York Roads  
Cockeysville, MD 21080
- Site area: 0.74 Ac.±
- Existing use: Telephone switching office
- Site data: Tax map 17, block 14, parcels 64, 329, & 395  
Deed references: 1572/174, 4417/341, 5177/398  
Tax Account Nos. 07-0703023225,  
07-0703023226  
07-1800002672  
Zoning: RC-4  
Election District: 7  
Councilmanic District: 3
- Setbacks:

	Required	Provided to monopole
Front	100'	128'
Side	50'	62'
Rear	50'	61'

\* Front setbacks are measured from road centerline
- The proposed wireless transmitting and receiving facility will consist of the addition of a 90' high monopole with two whip antennas outside the existing telephone switch building.
- Water and sewer service are currently provided by existing on-site private systems. No water or sanitary utilities are required for the facility.
- The property information and boundary location shown hereon have been compiled from deeds and other sources believed to be reliable; however their accuracy is not guaranteed and is subject to revision.
- Environmental protection agency standards and guidelines relating to radiation emissions shall be met at all times. The proposed wireless transmitting device will comply with ANSI Standard C63.1-1982.
- No lights of any kind are proposed for the antenna monopoles.
- Zoning History:  
This site was the subject of Zoning Case No. 73-23-1A which requested a special exception for a central dial office and an addition to the central dial office, and variances to permit a gross floor area greater than the maximum and setbacks less than the minimums required on the north, east, and west sides of the building. The requested relief was granted by the Zoning Commissioner on August 14, 1971 subject to the approval of the site plan by the State Roads Commission, the Bureau of Public Services and the Office of Planning and Zoning.
- The existing building has non-illuminated, wall mounted letters and the logo for C&P Telephone. There are no new signs proposed for this facility.
- Floor area ratio: N/A
- Amount open space: N/A
- Existing parking: 5 spaces  
Additional parking required: 0 spaces  
The proposed facility does not block any existing parking space or circulation onto the property.

### REQUESTED ZONING ACTION

Special Exception pursuant to §166.23.14 to permit a wireless transmitting and receiving structure in an RC-4 zone.



## Schematic Elevation

Scale: 1" = 30'

## DMW

Dash-McCune-Walker, Inc.  
200 East Pennsylvania Avenue  
Towson, Maryland 21286  
(410) 286-3833  
Fax: 286-4706

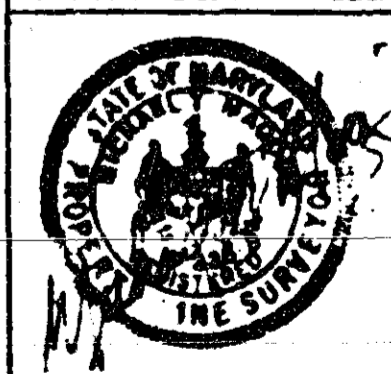
A Team of Land Planners,  
Landscape Architects,  
Engineers, Surveyors &  
Environmental Professionals

Site Plan to Accompany  
Petition for Special Exception

## BELL ATLANTIC - MARYLAND, INC.

Parkton Central Office Site

7th Election District Baltimore County Maryland



297

DATE BY REVISIONS

DATE	BY	REVISIONS

ISSUE DATES	BASE:	TPC
REVIEW: 2-14-95	DRAWN:	TPC
BID:	DESIGNED:	REM
PERMIT:	CHECKED BY:	LWN MTM
CONSTRUCTION:	DATE CHECKED:	
SCALE: 1"=30'-0"	DRAWING:	1 OF 1
PROJECT NO.: 94090		

## PETITIONER'S EXHIBIT No 2

PRINTED

FEB 13 1995

DASH-MCCUNE-WALKER, INC.